

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRENCH BROWN,

Plaintiff,

v.

Case No. 14-11398
Honorable Linda V. Parker

OAKWOOD HEALTHCARE, INC., et al.,

Defendants.

OPINION AND ORDER

On April 7, 2014, Plaintiff initiated this pro se civil rights lawsuit against Defendants. Early this year, the Court was informed that Plaintiff had passed away on December 23, 2014. Therefore, on February 5, 2015, this Court entered an order noting Plaintiff's death and setting forth the procedures in Rule 25(a) of the Federal Rules of Civil Procedure applicable to the death of a party. (ECF No. 72.)

As set forth in the Court's order, “[t]he objective of the suggestion of death set forth in Rule 25(a)(1) is to alert nonparties to the consequences of the death of a party in a pending lawsuit so that they may act if they desire to preserve the decedent's claim.”

Gruenberg v. Maricopa Cnty. Sheriff's Office, No. 06-0397, 2008 WL 2001253, at *1 (D. Ariz. May 7, 2008) (citing *Fariss v. Lynchburg Foundry*, 769 F.2d 958, 962 (4th Cir. 1985)). “The rule establishes a procedure that protects those who have an interest in the litigation and the authority to act on behalf of the decedent by permitting substitution for the deceased party without unduly burdening the surviving party.” *Id.* (citing *Barlow v.*

Ground, 39 F.3d 231, 233-34 (9th Cir. 1994)). Pursuant to Rule 25(a), and as set forth in the Court's order, Plaintiff's successor or representative was required file a motion for substitution within ninety (90) days if he or she wanted to continue this litigation.

No motion for substitution has been filed as of today's date, which is more than 90-days after service of the statement noting Plaintiff's death.

Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED, that Plaintiff's Complaint is **DISMISSED WITH PREJUDICE** pursuant to Rule 25 of the Federal Rules of Civil Procedure.

S/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: May 19, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 19, 2015, by electronic and/or U.S. First Class mail.

S/ Richard Loury
Case Manager